IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE ELEVENTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE BILAL NAZKI

and
THE HON'BLE MR JUSTICE S.ANANDA REDDY

WRIT PETITION NO : 18361 of 2004

Between:

K.V.Antony, s/o Varghese,
c/o Nehru Niketan English Medium School,

Lakshmipuram, Nellore-2, Nellore District.

..... PETITIONER

AND

1 Deputy Transport Commissioner & Regional Transport Officer, Nellore, Nellore District.
2 Motor Vehicles Inspector, Nellore, Nellore District.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ, order or direction, preferably one in the nature of writ of mandamus, declaring the action of the respondents in seizing and detaining the petitioner's Light Motor Vehicle-(Mahindra & Mahindra Van) bearing Registration No.AP.13-1286, pursuant to the Vehicle Check Report No.1190003, dated 14-09-2004 of the 2nd respondent as illegal, arbitrary and contrary to law and consequently direct the respondents herein to release the said vehicle to the petitioner, forthwith.

Counsel for the Petitioner:MR.V.NARASIMHA REDDY

Counsel for the Respondents: GP FOR TRANSPORT

The Court at the stage of admission made the following ORDER: (per BN,J)

Heard learned Counsel for the parties. With their consent, the Writ Petition is disposed of at this stage.

The vehicle was stopped, checked and was found without R.C., F.C., I.C. etc. The further allegation is that the said vehicle was carrying sixteen persons. The allegations levelled are subject to enquiry, which should be conducted by the respondents. In the interest of justice, we however, direct that the vehicle be released on payment of tax due, to the registered owner of the vehicle, without prejudice to his rights in the enquiry and further subject to filing an undertaking to the effect that he shall not alienate or in any way encumber the vehicle.

The Writ Petition is accordingly disposed of. No costs.

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(BILAL NAZKI, J)

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(S.ANANDA REDDY, J)

11th OCTOBER, 2004.

Note: furnish c.c. in three days.

B/o

Kvni

To

1 The Deputy Transport Commissioner & Regional Transport Officer, Nellore, Nellore District.
2 The Motor Vehicles Inspector, Nellore, Nellore District.

3 Two CCs to the Government Pleader for Transport, A.P.High Court Buildings, Hyderabad (OUT).

4 Two CD copies.